

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Aetna, Inc.,

Plaintiff,

Civil Action No. 11-15346

vs.

District Judge Denise Page Hood

**Blue Cross Blue Shield
of Michigan,**

Magistrate Judge Mona K. Majzoub

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR PROTECTIVE ORDER [69]

Before the Court is Defendant Blue Cross Blue Shield's motion for protective order. (Dkt. 69.) The Court has been referred this motion for determination pursuant to 28 U.S.C. § 636(b)(1)(A). (Dkt. 75.) The Court has reviewed the pleadings, dispenses with a hearing, and issues this order.¹

The Court denies BCBS's motion for a protective order. The Court finds that BCBS's motion, filed on Wednesday, August 22, 2012 to stay Jeffrey Connolly's deposition, noticed for Monday, August 27, 2012 is inappropriate, and finds the timing of the filing of said motion to be professionally irresponsible, given the facts as presented to the Court.

Aetna informs the Court that Mr. Connolly's deposition has been previously noticed two times prior to the latest August 27, 2012 notice. (Aetna's Resp. at 2.) Aetna further represents that, "[l]ast week, [it] agreed to permit Mr. Connolly to be questioned at his deposition about *all* business

¹The Court dispenses with a hearing pursuant to Eastern District of Michigan Local Rule 7.1(f)(2).

matters, including matters that would otherwise be protected by his confidentiality agreement.” (*Id.*) BCBS therefore has had more than ample time to prepare for Mr. Connolly’s testimony and work with Aetna regarding any issues that may arise at his deposition. BCBS’s inappropriate and unexcused delay in addressing any of the readily foreseeable issues referenced in its pleadings should not and will not be rewarded by this Court with an order acquiescing to its motion for a protective order. Defendant Blue Cross Blue Shield’s motion for protective order is denied.

The parties have the weekend to work out any unresolved issues before Monday.

The deposition will go forward as noticed. Failure to do so may result in sanctions. The Court reminds the parties that this Order “remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.” E.D.Mich. LR 72.2.

So ordered.

NOTICE TO THE PARTIES

Pursuant to Federal Rule of Civil Procedure 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: August 24, 2012

s/ Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: August 24, 2012

s/ Lisa C. Bartlett

Case Manager